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**February 13, 2009**

**VIA CERTIFIED MAIL**

**Frankie D. Hampton  
Office of General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463**

**RE: MUR 6160 - Mr. Scott Pace**

**Dear Ms. Hampton:**

**This letter responds to correspondence dated January 27, 2009 sent to Mr. Scott Pace in the above-referenced Matter Under Review. This law firm represents Mr. Pace in this matter.**

**As you know, an allegation has been filed with your office asserting that Mr. Pace made a contribution to the "Steve Filson for Congress" committee on April 6, 2006, and that the contribution was subsequently reimbursed by another entity - the State Park Peace Officer's Association of California. In fact, as this correspondence shall demonstrate, Mr. Pace remains the true contributor to Steve Filson's campaign committee.**

**Mr. Pace is a retired California state peace officer. He spent 30 years as a state park police officer serving the People of California. During his distinguished career protecting the state's parks, he received numerous letters of commendation for professionalism and service to the public from the California State Parks Department. In protecting the state's parks, Mr. Pace made countless arrests for violations such as vehicle theft, burglary, vandalism, arson, drug possession, marijuana cultivation, assault, battery, possession of stolen property, DUI, and other violations of California law. Mr. Pace also served in numerous leadership roles within his agency and was recently appointed to a statewide policy committee for "Black Powder Weapon Use" in state parks. Mr. Pace's entire career has been dedicated to upholding the law and, by assisting the efforts of the State Park Peace Officer's Association of California, helping other peace officers serve the State of California with honor and integrity.**

On April 6, 2006 Mr. Pace drafted and sent a check in the amount of \$200 to the "Steve Filson Campaign" (check number 5647). Steve Filson was an unsuccessful candidate for the United States House of Representatives in 2006. On May 12, 2006, Mr. Pace received a check from the State Park Peace Officer's Association of California ("SPPOAC") in the amount \$2,942.61 (check number 2346). The check was for the purpose of reimbursing Mr. Pace for a variety of items, including "portfolios," and "mugs." The check apparently also served to reimburse Mr. Pace for the \$200 Steve Filson contribution.

After becoming aware of the alleged erroneous \$200 reimbursement, Mr. Pace immediately remitted \$200 to SPPOAC. A copy of Mr. Pace's remittal check is attached hereto as Exhibit A. This served to remove any doubt that Mr. Pace is and was the true contributor to Steve Filson's campaign. Moreover, because Mr. Pace's April 2006 contribution was in the amount of \$200, his contribution was never publicly disclosed by Steve Filson's campaign committee (Federal law requires contribution exceeding \$200 to be disclosed).<sup>1</sup> Steve Filson's campaign treasurer recorded Mr. Pace as the true contributor to the campaign committee, a recordation which remains true today, regardless of any purported reimbursement in the interim. As a result, no harm to the public has resulted because no public disclosure of the contribution was ever made.

In addition to the foregoing, there is no indication that Mr. Pace accepted any reimbursement of any contribution with the intention of gaining any personal or public benefit for himself. His contribution to Steve Filson's campaign was not used in order to reward the candidate for any official action. In short, there was no *quid pro quo* intent on the part of Mr. Pace, SPPOAC or Steve Filson. Instead, the contribution was motivated solely by Mr. Pace's strong personal desire to participate in election campaigns. This firm's investigation and audit of the matter indicates that none of the individuals involved knew at the time of the alleged reimbursement that his or her actions might violate the Federal Election Campaign Act ("Act"). There clearly has been no knowing or willful violation of the Act.

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<sup>1</sup> Under the Federal Election Campaign Act campaign committees are required to collect and keep records regarding contributions of more than \$200, including the amount of the contribution, date of receipt, the contributor's full name and address, and the contributor's occupation and employer. (11 CFR, § 102.8(a).) For contributions exceeding \$50 and up to \$200, the campaign committee must identify each contribution by amount, date of receipt, and the contributor's name and address. (11 CFR, § 102.9(a)(1).) Here, as the true contributor, Mr. Pace provided all the data required under Regulation 102.9 to the Steve Filson for Congress Campaign Committee.

Moreover, Mr. Pace has willingly taken steps to prevent any future violation of federal law. Mr. Pace has retained the services of this firm to counsel him regarding any additional contributions he may seek to make. In addition, since first discovering possible violations of the Act, Mr. Pace has participated in numerous conferences with his colleagues at SPPOAC to clarify and publicize the policy at SPPOAC that contributions to candidates, or other political committees or parties, may absolutely not be reimbursed by SPPOAC. Finally, neither Mr. Pace, nor SPPOAC have any prior history of violating any federal election campaign laws or regulations, nor does either of them intend to allow such violations to occur in the future.

Accordingly, in light of the fact that: (1) this matter involves a single contribution of \$200; (2) any violation in this matter was not knowing and willful; (3) Mr. Pace made prompt and voluntary efforts to rectify the purported violation; and (4) remedial and preventive efforts have been undertaken by Mr. Pace and SPPOAC, Mr. Pace respectfully requests that the Commission take no action against him in this matter.

In closing, Mr. Pace wishes to reiterate to the Office of General Counsel and the Commission his strong desire to adhere fully to both the letter and the spirit of all federal election campaign laws. Thank you for your time and attention to this important matter. Please feel free to contact me should you have any questions or require additional information.

Respectfully submitted,



Brian T. Hildreth

Office  
COUNCIL

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EXHIBIT A

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